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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,695	03/05/2002	David A. Bottom	042390P11219	7431

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Todd M. Becker
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

BROUSSARD, COREY M

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,695

Applicant(s)

BOTTOM ET AL.

Examiner

Corey M. Broussard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 10, 14, 18, 20, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims technical standards such as "CompactPCI" and "Ethernet" which are subject to change. The use of such standards as a claim limitation renders the claims indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 11-17, and 19-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Jackson et al. (PN 6,452,809). With respect to claim 1, Jackson teaches a modular server system, comprising: a midplane having a system management bus and a plurality of blade interfaces (col 4, 48-53, col 11, 58-60), the blade interfaces in

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electrical communication with each other; a server blade (132) inserted into one of the plurality of blade interfaces on the midplane, the server blade having a server blade system management bus in electrical communication with the system management bus of the midplane (the server data bus and the midplane data bus cooperate allowing the server system to function, see, col 12, 40-col 13, 59), and a network interface to connect to a network (col 5, 1-4); and a plurality of switch blades to perform network switching wherein the plurality of switch blades are inserted into one of the plurality of blade interfaces on the midplane (the interface cards can act as switch blades, see col 5, 1-4, col 7, 19-26, col 12, 17-col 13, 18).

5. With respect to claim 2, Jackson teaches a power supply module (144) coupled to the midplane to provide power to the modular server system (col 8, 12-17).

6. With respect to claim 3, Jackson teaches a cooling fan module (140) coupled to the modular server system to cool the modular server system (col 7, 66-2).

7. With respect to claim 7, Jackson teaches a chassis (110) to house the midplane, the server blade, and the plurality of switch blades. (col 7, 16-65).

8. With respect to claim 11, Jackson teaches wherein the at least one media device is selected from the group consisting of a storage medium device, a graphics processing device, an audio processing device, and a streaming media processing device (the media device is a storage medium device, see col 5, 1-4, col 7, 19-26, col 8, 44-47).

9. With respect to claim 12, Jackson teaches a midplane having a system management bus, a first side, a second side, and a plurality of blade interfaces (col 4,

48-53, col 11, 58-60) on the first side and the second side, wherein the blade interfaces on the first side are in electrical communication with the blade interfaces on the second side; a plurality of server blades, each server blade inserted into one of the plurality of blade interfaces on the first side of the midplane (col 11, 58-6), the server blades each having a server blade system management bus in electrical communication with the system management bus of the midplane (col 4, 48-53, col 5, 27-33), and a network interface to connect to a network (interface cards 134 may connect to a network, col 7, 19-26); a plurality of switch blades to perform network switching between any number of the server blades and between an external network (interface cards 134 may act as a network switch, see col 7, 19-26, col 13, 24-28), wherein at least two switch blades are inserted into one of the plurality of blade interfaces on the midplane (col 12, 55-58).

10. With respect to claims 4 and 13, Jackson teaches wherein a plurality of media blades each inserted into to one of the plurality of blade interfaces on the second side of the midplane (col 12, 55-58), the media blades each having at least one storage medium device (interface cards 134 can act as a media blade when interfacing with a hard drive or other media types, see col 5, 1-4, col 7, 19-26, and col 8, 44-47).

11. With respect to claim 19, Jackson teaches a midplane having a system management bus, a first side, a second side, and a plurality of blade interfaces (col 4, 48-53, col 11, 58-60) on the first side and the second side, the blade interfaces on the first side are in electrical communication with the blade interfaces on the second side; a server blade inserted into one of the plurality of blade interfaces on the first side of the midplane, the server blade having a server blade system management bus in electrical

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communication with the system management bus of the midplane (col 4, 48-53, col 11, 58-60), and a network interface to connect to a network (interface cards 134 may connect to a network, col 7, 19-26); a media blade inserted into one of the plurality of blade interfaces on the second side of the midplane (interface cards 134 can act as a media blade when interfacing with a hard drive or other media types, see col 5, 1-4, col 7, 19-26, and col 8, 44-47), the media blade having at least one storage medium device (col 5, 1-4, col 7, 19-26); a second server blade inserted into one of the plurality of blade interfaces on the first side of the midplane (plurality of blades col 7, 18), the second server blade having a second server blade system management bus in electrical communication with the system management bus of the midplane, and a second network interface to connect to the network a second media blade removably connectable to one of the plurality of blade interfaces on the second side of the midplane (each blade 132 may have dedicated interface cards 134, col 7, 19-26, col 11, 48-col 13, 59), a second media blade inserted into one of the plurality of blade interfaces on the second side of the midplane, the second media blade having at least one second storage medium device; least two switch blades to perform network switching between the first and second server blades, any other server blade inserted into one of the plurality of blade interfaces on the first side of the midplane, and an external network (interface cards 134 may act as a network switch, see col 7, 19-26, col 13, 24-28), the at least two switch blades inserted into one blade interface on the midplane (col 12, 55-58); a power supply module (144) coupled to the midplane to provide power to the modular server system; a cooling fan module (140) coupled to the

modular server system to cool the modular server system; and a chassis (110) to house the midplane, the server blade, the media blade, the second server blade, the second media blade, the switch blades, the power supply module, and the cooling fan module, the server blade, the media blade, the second server blade, the second media blade and the switch blades share power from the power supply module and to share cooling from the cooling fan module.

12. With respect to claims 5, 14, and 20 as best as they can be understood, Jackson teaches wherein the midplane is to operate in compliance with the CompactPCI technical standard (col 4, 58-62).

13. With respect to claims 6, 15, and 21, Jackson teaches wherein the at least one storage medium device of the at least one media blade is a hard disk drive (col 5, 1-4, col 7, 19-26).

14. With respect to claims 8, 16, and 22, Jackson teaches wherein the server blades, the switch blades, and the media blades are hot swappable (col 5, 18-20).

15. With respect to claims 9, 17, and 23-26, Jackson teaches wherein the server blades and media blades are operable to be used as single or multiple server systems (see col 5, 33-53, the scalable dynamic system can utilize any number of server blades and storage media as a plurality of server systems).

Response to Arguments

16. Applicant's arguments with respect to claims 1-9, 11-17, and 19-26 have been considered but are moot in view of the new grounds of rejection.

17. Applicant's arguments filed January 3, 2006 have been fully considered but they are not persuasive. With respect to the 112 rejection directed towards the use of technical standards as claim limitations: the Examiner's position is that technical standards must be treated as a variable term. The content of any given standard is governed by the whims of the organizations that own said standards. The scope of any claim that is limited by a technical standard would change with the standard. Therefore the meets and bounds of such a claim cannot be clearly defined for examination. For these reasons the claims are considered indefinite and the rejection is maintained.

Allowable Subject Matter

18. Claims 10, 18, and 27 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

19. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not


mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey M. Broussard whose telephone number is 571 272 2799. The examiner can normally be reached on Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cmb


LISA LEA-EDMONDS
PRIMARY EXAMINER